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### **REMARKS**

Claims 1-26 were presented for examination. The non-final Office Action dated December 2, 2005 rejects claims 1-26. This paper amends claims 1-6, 10, 11, 15, 17, 20, 25, and 26, cancels claims 9, 14, and 19, and adds new claims 27-29. Support for the amendments can be found in general throughout the application, and in particular in paragraphs 26, 29, and 30. Applicant submits that the new dependent claims are patentable as written. Claims 1-8, 10-13, 15-18, and 20-29 are now pending in the application.

### **Rejection under 35 U.S.C. 102(b)**

The Office Action rejects claims 1-4, 9-10, 17-20, and 25 under 35 U.S.C. 102(b) as anticipated by Asher (U.S. Patent No. 4,447,850). Applicant respectfully traverses the rejection, to the extent it is maintained against the claims as now amended, because Asher does not disclose every element and limitation of the Applicant's invention as now claimed.

As now set forth in representative claim 1, the Applicant's invention, in pertinent part, counts a number of trigger events submitted by a user during successive time intervals, and associates the number of trigger events counted in each time interval with one digit of a digit sequence representing a code being submitted by the user. The code submitted by the user is stored, to set an activation code required to activate a control element. Accordingly, the user is in control of setting (and resetting) the activation code. This is invaluable to various applications because the user can reset any default, factory-set code to a personal, secret value. In contrast, a user of Asher's electronic lock cannot set the activation code by submitting trigger events counted during successive time intervals, as set forth in the Applicant's claimed invention.

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For instance, the "programmed code" for Asher's electronic lock is hardwired (see FIG. 3, col. 2, lines 65-68, and col. 4, lines 34-41):

Setting the code number itself is done by connecting the appropriate D-terminals of the flip-flops (*advantageously lined up on a sequence board*) with the digit terminals of a decoder. (FIG. 3, col. 4, lines 36-40, emphasis added).

Therefore, if a user wants to set the code for Asher's electronic lock, he/she needs to change the actual connections between the decoder and the flip-flops. The Applicant's invention, in contrast, enables the user to submit triggering events – counted during time intervals – that establish the activation code used to activate a control element. Therefore, Asher does not disclose every element and limitation of the Applicant's invention, as now claimed. Moreover, there is no teaching or suggestion to modify Asher so that pushing Asher's pushbutton (2) can operate to set the programmed code. Therefore, Applicant respectfully submits that this rejection to the claims is overcome.

Independent claim 17 has been amended to recite language similar to the language recited in claim 1. Therefore, this independent claim is also patentably distinguishable over Asher for at least those reasons provided in connection with claim 1. In addition, dependent claims 2-4, 9-10, 18-20, and 25 depend directly or indirectly from patentable independent claims 1 and 17, and incorporate all of their respective limitations, and therefore are also patentably distinguishable over Asher for at least those reasons provided in connection with those independent claims. Moreover, each dependent claim recites an additional limitation, which, in combination with the elements and limitations of its respective independent claim, further

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distinguishes that dependent claim from Asher. Therefore, the Applicant respectfully submits that the rejection against these claims is also overcome.

**Rejection under 35 U.S.C. 103(a)**

The Office Action rejects claims 5-6 and 26 under 35 U.S.C. 103(a) as being obvious over Asher and Anderson (U.S. Patent No. 5,021,776). Applicant respectfully traverses this rejection, to the extent it is maintained against the claims as amended, because these claims depend directly or indirectly from patentable independent claims 1 and 17, and incorporate all of the limitations of their respective independent claims and are therefore patentable for at least those reasons provided above in connection with claim 1. Moreover, each dependent claim recites an additional limitation, which, in combination with the elements and limitations of its respective independent claim, further distinguishes that dependent claim from the cited references, whether taken alone or in combination.

**Rejection under 35 U.S.C. 103(a)**

The Office Action rejects claims 1-2, 7-8, 11-17, 21, and 23-24 under 35 U.S.C. 103(a) as being obvious over Schramm (U.S. Patent No. 4,425,597) in view of Asher. Applicant respectfully traverses the rejection, to the extent it is maintained against the claims as now amended, because Schramm and Asher, whether taken alone or in combination, do not teach or suggest every element and limitation of the Applicant's invention as now claimed.

Like Asher, a user of Schramm's electronic lock also cannot set the activation code by submitting trigger events counted during successive time intervals, as set forth in the Applicant's claimed invention. Like Asher, Schramm's "preset code" is set in hardware, i.e., the code is set in mini-dip

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(mechanical) switches (see col. 4, lines 15-17, and col. 5, line 63 – col. 6, line 3). The handle movements submitted by the user cannot change these switch settings. Rather, if a user wants to set (or reset) the preset code for Schramm's electronic lock, he/she needs to change the actual dipswitch settings manually (e.g., with a ball point pen – col. 6, lines 1-2). The Applicant's invention, in contrast, enables the user to submit triggering events – counted during time intervals – that establish the activation code used to activate a control element. Therefore, any combination of Schramm and Asher does not disclose or suggest the Applicant's claimed invention, wherein the user is able to set the activation code by submitting trigger events counted during successive time intervals. This rejection to the claims is therefore overcome.

Independent claims 11 and 17 have been amended to recite language similar to the language recited in claim 1. Therefore, these independent claims are also patentably distinguishable over any combination of Schramm Asher, whether taken alone or in combination, for at least those reasons provided in connection with claim 1. In addition, dependent claims 2, 7, 13-14, 16, and 23-25 depend directly or indirectly from patentable independent claim 1, 11, and 17, and incorporate all of their respective limitations, and therefore are also patentably distinguishable over the cited references for at least those reasons provided in connection with those independent claims. Moreover, each dependent claim recites an additional limitation, which, in combination with the elements and limitations of its respective independent claim, further distinguishes that dependent claim from the cited references. Therefore, the Applicant respectfully submits that the rejection against these claims is also overcome.

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**Rejection under 35 U.S.C. 103(a)**

The Office Action rejects claim 22 under 35 U.S.C. 103(a) as being obvious over Schramm, in view of Asher and Godau (U.S. Patent No. 5,781,125). Applicant respectfully traverses this rejection, to the extent it is maintained against the claims as amended, because claim 22 depends indirectly from patentable independent claim 17, and incorporates all of the limitations of this independent claim and is therefore patentable for at least those reasons provided above in connection with claim 17. Moreover, dependent claim 22 recites an additional limitation, which, in combination with the elements and limitations of its respective independent claim, further distinguishes that dependent claim from the cited references, whether taken alone or in combination.

**CONCLUSION**

While it is believed that this paper addresses all of the Office Action's rejections to the pending claims, the absence of a reply to a specific rejection, issue, or comment does not signify agreement with or concession of that rejection, issue, or comment. In addition, the arguments presented above are not necessarily exhaustive, and there may be additional unexpressed reasons for patentability of any or all pending claims.

In view of the amendments and arguments made herein, Applicant submits that the application is in condition for allowance and request early favorable action by the Examiner.


If the Examiner believes that a telephone conversation with the Applicant's representative would expedite allowance of this application, the Examiner is cordially invited to call the undersigned at (508) 303-2003.

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Respectfully submitted,

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